

Note No: 4489

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of the Kingdom of Thailand and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services and related training, including pursuant to the United States International Military Education and Training Program, from the United States of America to the Government of the Kingdom of Thailand pursuant to the Foreign Assistance Act of 1961, or successor legislation. In this regard, the Embassy refers to the Agreement respecting military assistance between the Government of the United States of America and the Government of Thailand, signed at Bangkok on October 17, 1950, the Agreement regarding the disposition of military equipment and materials furnished under the military assistance agreement, effected by exchange of notes at Bangkok on July 6, 1955, the net proceeds amendment, effected by exchange of notes at Bangkok on January 3 and 17, 1975, and the Agreement concerning the provision of training related to defense articles under the

International Military Education and Training Program, effected by exchange of notes at Bangkok on April 15 and July 28, 1986.

In accordance with these discussions, it is proposed that the Government of the Kingdom of Thailand agree:

- A. That unless the consent of the Government of the United States of America has been first obtained the Government of the Kingdom of Thailand shall not:
  - (I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Kingdom of Thailand;
  - (II) Transfer or permit any officer, employee or agent of the Government of the Kingdom of Thailand to transfer such defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or
  - (III) Use or permit the use of such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;
- B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

*That the net proceeds of sale received by the Government of the Kingdom of Thailand in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;*
- D. That the Government of the Kingdom of Thailand shall maintain the security of such defense articles, related training, including training materials, and

other defense services; that it shall provide substantially the same degree of security protection afforded to such materials, or other defense services by the Government of the United States of America; that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Kingdom of Thailand; and

- E. That the Government of the United States of America may also, from time to time, make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of the Act and United States regulations applicable to such transfers.)

It is further proposed that this Agreement shall supersede the above-referenced 1975 and 1986 agreements. Both the 1950 and 1955 agreements shall not be affected by this Agreement. This Agreement shall apply to defense articles and services, including training under the United States International Military Education and Training Program, to which the superseded 1975 or 1986 agreements had applied prior to entry into force of this Agreement.

The Ministry of Foreign Affairs' note stating that the foregoing is acceptable to the Government of the Kingdom of Thailand shall, together with this note, constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's note. The United States Government proposes that the Ministry accepts this proposal by providing a Diplomatic Note containing the following text:

Begin Text of Diplomatic Note:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of the Kingdom of Thailand and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, defense services and related training, including pursuant to the United States International Military Education and Training Program, from the United States of America to the Government of the Kingdom of Thailand pursuant to the Foreign Assistance Act of 1961, or successor legislation. In this regard, the Embassy refers to the Agreement respecting military assistance between the Government of the United States of America and the Government of Thailand, signed at Bangkok on October 17, 1950, the Agreement regarding the disposition of military equipment and materials furnished under the military assistance agreement, effected by exchange of notes at Bangkok on July 6, 1955, the net proceeds amendment, effected by exchange of notes at Bangkok on January 3 and 17, 1975, and the Agreement concerning the provision of training related to defense articles under the International Military Education and Training Program, effected by exchange of notes at Bangkok on April 15 and July 28, 1986.

In accordance with these discussions, it is proposed that the Government of the Kingdom of Thailand agree:

- A. That unless the consent of the Government of the United States of America has been first obtained the Government of the Kingdom of Thailand shall not:
  - (I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Kingdom of Thailand;
  - (II) Transfer or permit any officer, employee or agent of the Government of the Kingdom of Thailand to transfer such defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or
  - (III) Use or permit the use of such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

- B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;
- C. That the net proceeds of sale received by the Government of the Kingdom of Thailand in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;
- D. That the Government of the Kingdom of Thailand shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such materials, or other defense services by the Government of the United States of America; that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Kingdom of Thailand; and
- E. That the Government of the United States of America may also, from time to time, make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of the Act and United States regulations applicable to such transfers.)

It is further proposed that this Agreement shall supersede the above-referenced 1975 and 1986 agreements. Both the 1950 and 1955 agreements shall not be affected by this Agreement. This Agreement shall apply to defense articles and services, including training under the United States International Military Education and Training Program, to which the superseded 1975 or 1986 agreements had applied prior to entry into force of this Agreement.

End Text of Diplomatic Note.


The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of Thailand the assurances of its highest consideration.

Embassy of the United States of America

Bangkok, December 27, 2005.



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Consular Associate of the  
United States of America

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ATTN: Mark Lambert



NO. 1102/368

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the latter's Note No. 4489 dated 27 December 2005, which reads as follows:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of the Kingdom of Thailand and has the honor to refer to earlier discussions between representatives of the two Governments regarding grants under the Foreign Assistance Act of 1961; as amended, or successor legislation, and the furnishing of defense articles, defense services and related training, including pursuant to the United States International Military Education and Training Program, from the United States of America to the Government of the Kingdom of Thailand pursuant to the Foreign Assistance Act of 1961, or successor legislation. In this regard, the Embassy refers to the Agreement respecting military assistance between the Government of the United States of America and the Government of Thailand, signed at Bangkok on October 17, 1950, the Agreement regarding the disposition of military equipment and materials furnished under the military assistance agreement, effected by exchange of notes at Bangkok on July 6, 1955, the net proceeds amendment, effected by exchange of notes at Bangkok on January 3 and 17, 1975 and the Agreement concerning the provision of training related to defense articles under the International Military Education and Training Program, effected by exchange of notes at Bangkok on April 15 and July 28, 1986.

In accordance with these discussions, it is proposed that the Government of the Kingdom of Thailand agree:

- A. That unless the consent of the Government of the United States of America has been first obtained the Government of the Kingdom of Thailand shall not:
  - (1) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Kingdom of Thailand;

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(II) Transfer or permit any officer, employee or agent of the Government of the Kingdom of Thailand to transfer such defense articles, related training, including training materials, or other defense other than services by gift, sale or otherwise, or

(III) Use or permit the use of such defense articles, related training, including training materials, or other defense services for purposes those for which provided.

B That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition.

C That the net proceeds of sale received by the Government of the Kingdom of Thailand in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America.

D That the Government of the Kingdom of Thailand shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such materials, or other defense services by the Government of the United States of America; that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Kingdom of Thailand, and

E That the Government of the United States of America may also, from time to time, make the provision of articles, services, and related training furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein (transfers

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to be governed by the requirements of the Act and United States regulations applicable to such transfers.)

It is further proposed that this Agreement shall supersede the above-referenced 1975 and 1986 agreements. Both the 1950 and 1955 agreements shall not be affected by this Agreement. This Agreement shall apply to defense articles and services, including training under the United States International Military Education and Training Program, to which the superseded 1975 or 1986 agreements had applied prior to entry into force of this Agreement."

The Ministry of Foreign Affairs of the Kingdom of Thailand has the honour to confirm to the Embassy of the United States of America that the Royal Thai Government approves the above-mentioned proposal. The Embassy's Note and the Ministry's Note shall constitute an agreement between the two Governments, which shall enter into force on the date of this Note.

The Ministry of Foreign Affairs avails itself to this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

Ministry of Foreign Affairs,  
Bangkok

(4 March B.E. 2549/2006)

MINISTRY OF FOREIGN AFFAIRS

The Embassy of the United States of America,  
BANGKOK

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